

[CLOSED]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN
CALIFORNIA ADMINISTRATIVE
COMPANY, a Delaware limited liability
company,

Plaintiff,

vs.

TONY SERVERA CO., INC., a California
corporation; ANTHONY MICHAEL
SERVERA, an individual; and DOES 1
through 5, inclusive,

Defendants.

CASE NO.: CV14-03007 DDP(Ex)

JUDGMENT BY STIPULATION
AS TO DEFENDANT ANTHONY
MICHAEL SERVERA

Pursuant to the STIPULATION FOR ENTRY OF JUDGMENT AS TO
DEFENDANT ANTHONY MICHAEL SERVERA, the default entered in this case,
and good cause appearing, JUDGMENT is hereby entered as follows:

Judgment is entered in favor of Plaintiff, CONSTRUCTION LABORERS TRUST FUNDS FOR SOUTHERN CALIFORNIA ADMINISTRATIVE COMPANY, LLC, as administrator, agent for collection and a fiduciary to the Laborers Health And Welfare Trust Fund For Southern California; Construction Laborers Pension Trust For Southern California; Construction Laborers Vacation Trust For Southern California (collectively "TRUST FUNDS"), and against Defendant, ANTHONY MICHAEL SERVERA ("SERVERA"), an individual, upon the FOURTH CLAIM for Relief in the Complaint, under Section 502(a)(2) of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. § 1132(a)(2), for liability for breach of fiduciary duties under ERISA § 409(a), 29 U.S.C. § 1109(a).

SERVERA is found to have violated his fiduciary duties as to amounts withheld from the pay of employees of Defendant TONY SERVERA CO., INC. ("EMPLOYER") for the period of January 2009 through June 30, 2015. The amount of liability entered as Judgment here is \$10,864.69, consisting of:

Principal:	\$ 8,239.98
Interest:	\$ 1,126.18
Attorneys' Fees:	\$ 1,024.00
Costs:	\$ <u>474.53</u>
TOTAL:	\$10, 864.69

This JUDGMENT is joint, and not cumulative to any Judgment entered, or to be entered, against EMPLOYER in this action. The Court hereby finds that there is no just reason for delay as to this JUDGMENT by Stipulation, so that this JUDGMENT shall be considered final as to SERVERA, notwithstanding any other pending claims or parties in this action. Except as provided here, each side shall bear their own fees and costs.

1 IT IS FURTHER ORDERED that this JUDGMENT by Stipulation is
2 STAYED, under the terms of the STIPULATION FOR ENTRY OF JUDGMENT,
3 except that liens may be recorded as provided there. In the event of default, counsel
4 for Plaintiff shall file a Declaration under penalty of perjury describing the facts of
5 default, payments made and interest accrued. Upon filing of such Declaration, the
6 stay is lifted, without the need for further action from this Court.

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8 IT IS SO ORDERED.

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10 Dated: December 01, 2015

A handwritten signature in blue ink, reading "Dean D. Pregerson". The signature is fluid and cursive, with the first name "Dean" and last name "Pregerson" clearly legible.

11 DEAN D. PREGERSON,
12 United States District Judge
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